

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

DATE OF COMPILATION: 26/10/2021

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1. LIST OF ACRONYMS AND ABBREVIATIONS

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|-----|---------------------------|--|
| 1.1 | “the Company” | Woodhead Bigby Incorporated; |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “the Data Subject” | the person to whom personal information relates; |
| 1.4 | “IO“ | Information Officer; |
| 1.5 | “Minister” | Minister of Justice and Correctional Services; |
| 1.6 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the PAIA; |
| 1.7 | “POPIA” | Protection of Personal Information Act No.4 of 2013 as amended from time to time including the regulations promulgated in terms of the POPIA; |
| 1.8 | “Regulator” | Information Regulator; and |
| 1.9 | “Republic” | Republic of South Africa |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by the Company which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the Company, by providing a description of the subjects on which the Company holds records and the categories of records held on each subject;

- 2.3 know the description of the records of the Company which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the IO and DIO who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the Company will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the Company has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the Company has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF WOODHEAD BIGBY INCORPORATED

3.1. Information Officer

Name:	Henry Scott Bruce Bigby
Tel:	031 360 9700
Email:	scottb@woodhead.co.za

3.2. Deputy Information Officer

Name: Joanne Taylor
Tel: 031 360 9700
Email: joannet@woodhead.co.za

3.3 Access to information general contacts

Email: mail@woodhead.co.za

3.4 Office

Postal Address: P O Box 433, La Lucia, 4159

Physical Address: 92 Armstrong Avenue, La Lucia, 4051

Telephone: 031 360 9700

Email: mail@woodhead.co.za

Website: www.woodhead.co.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

- 4.3.2.1. the Information Officer of every public body, and
- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.5. The Guide can also be obtained-

4.5.1. upon request to the IO;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

4.6 A copy of the Guide is also available at our offices in the following two official languages, for public inspection during normal office hours-

4.6.1 English and IsiZulu

5. CATEGORIES OF RECORDS OF WOODHEAD BIGBY INCORPORATED WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Types of the Record
All information provided on our website (www.woodhead.co.za), our brochures or any published articles and other information in the public domain.

6. DESCRIPTION OF THE RECORDS OF WOODHEAD BIGBY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Company records including Memorandum of incorporation	Companies Act 71 of 2008
Financial records	Income Tax Act 58 of 1962 Value Added Tax Act 89 of 1991
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Privacy Policy	Protection of Personal Information Act 4 of 2013
Risk Management and Compliance Programme	Financial Intelligence Centre Act 38 of 2001
Employment Equity records	Employment Equity Act 55 of 1998

Black Economic Empowerment records	Broad-Based Black Economic Empowerment Act 53 of 2003
Incident book and records	Compensation for Occupational Injuries and Diseased Act 130 of 1993 Occupational Health and Safety Act 85 of 1993
Employment records	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995 Legal Practice Act 28 of 2014 Skills Development Levies Act 9 of 1999 Unemployment Insurance Act 63 of 2001
Legal documents and correspondence	Administration of Estates Act 66 of 1965 Trust Property Control Act 57 of 1988 Deeds Registries Act 47 of 1937 Sectional Titles Act 95 of 1986

7. DESCRIPTION OF THE SUBJECTS ON WHICH WOODHEAD BIGBY INCORPORATED HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY WOODHEAD BIGBY INCORPORATED

These records are not automatically available without a request in terms of PAIA

Subjects on which the body holds records	Categories of records
Company Documents	<ul style="list-style-type: none"> - Statutory company documents, including incorporation documents and share register - Minutes of meetings of board of directors - Legal Practitioner Fidelity Fund Certificates - Insurance records
Financial Documents	<ul style="list-style-type: none"> - Annual Financial statements - Audit reports - Management accounts - Bank statements - List of debtors and creditors - Invoices and receipts - Asset registers

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> - Taxation records including PAYE and VAT records, documents issued to employees for income tax purposes, records of payments to SARS, skills development levies, unemployment insurance fund
Human Resources	<ul style="list-style-type: none"> - Policies and procedures - Training Manuals - Employment contracts - Employees records - Payroll records - Employment equity records - UIF records - Skills development levies - Medical aid records - Legal Provident Fund records - Telephone and address lists
Risk and Compliance	<ul style="list-style-type: none"> - Policies and procedures - Risk assessment - Compliance records
Information Technology	<ul style="list-style-type: none"> - Software licences and programmes - IT usage statistics
Suppliers	<ul style="list-style-type: none"> - Telephone and address lists - Invoices and receipts
Legal Services	<ul style="list-style-type: none"> - Contracts, agreements, legal pleadings, legal documents

8. PROCESSING OF PERSONAL INFORMATION

The Company is committed to protecting its clients' and employees' privacy and the confidentiality of any personal information provided to the Company. The Company processes personal information in accordance with POPIA and the Company's privacy policy.

8.1 Purpose of Processing Personal Information

- 8.1.1 The Company processes personal information in the ordinary course of its business of providing legal services.
- 8.1.2 The Company processes personal information once the Data Subject has consented, or the processing is necessary for the conclusion or performance of a contract to which the Data Subject is a party, or where the Company is obliged by law to process the information or has a legitimate interest in processing the information.
- 8.1.3 The Company will use personal information only for the purpose for which it was originally collected. The Company may use personal information for a secondary purpose if this is compatible with the original purpose, or where the Company has a legitimate interest in so doing or it is obliged by law to do so.
- 8.1.4 The Company may process your personal information for a number of purposes including the following –
 - 8.1.4.1 Providing of legal services;
 - 8.1.4.2 Internal management, including account management, audits, internal investigations, insurance purposes and management reporting analysis;
 - 8.1.4.3 Improvement and development of our legal services;
 - 8.1.4.4 Marketing communication;
 - 8.1.4.5 Market research purposes; and
 - 8.1.4.6 To improve and customize our website or social media presence.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Clients and potential clients (Individuals and legal entities)	name, identity number/passport number, registration number, physical and postal address, contact numbers, e-mail address, marital status, nationality, income tax number, VAT Registration number, bank account details and CCTV images
Service Providers	name, registration number, physical and postal address, contact number, e-mail address, VAT Registration number, BEE Certificates, agreements, bank account details and CCTV images.
Employees and potential employees	Name, identity number, physical and postal address, contact number, e-mail address, marital status, income tax number, educational qualifications, employment history, gender, race, health information, disabilities, bank account details, details of employees performance and disciplinary procedures and CCTV images.

8.3 The recipients or categories of recipients to whom the personal information may be supplied

The Company may share personal information with its associates or service providers for legitimate purposes in accordance with applicable legislation or to perform legal services in terms of the company's mandate with the Data Subject.

The Company requires its associates or service providers to only process such personal information in accordance with its written instructions and to use reasonable measures to protect the confidentiality and security of such personal information.

Recipients or Categories of Recipients to whom the personal information listed above may be supplied, include

Deeds Registries, South African Revenue Service, Municipalities, Financial Institutions, Estate Agents, Master's Office, Various divisions of the High Courts and Magistrates Courts, Sheriffs, Attorneys and advocates, Provident Fund, Medical Aid Schemes, Legal Practice Council, Unemployment Insurance Fund.

8.4 Planned transborder flows of personal information

The Company may transfer personal information to associates or service providers outside of the Republic of South Africa provided that:

- 8.4.1 it has obtained the Data Subject's consent; or
- 8.4.2 the transfer is necessary for the performance or conclusion of a contract to which the Data Subject is a party; or
- 8.4.3 the transfer is for the Data Subject's benefit and it is not reasonably practical to obtain the Data Subject's consent and if it were, the Data Subject would be likely to give it; or
- 8.4.4 the recipient of the information is subject to a law which provides an adequate level of protection substantially similar to the provisions of the Protection of Personal Information Act.

8.5. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

The Company is committed to ensuring that the Data Subject's personal information is secure. The Company has implemented reasonable, appropriate physical, electronic and managerial procedures to safeguard and secure the Data Subject's personal information against unauthorized access or disclosure.

Where there are reasonable grounds to believe that the Data Subject's personal information has been accessed or acquired by any unauthorized person, the Company will notify the Information Regulator and the Data Subject, in writing, as soon as reasonably possible after the discovery of the compromise. The notification will provide sufficient information to allow the Data Subject to take protective measures against the potential consequences of the compromise.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of this Manual is available-

9.1.1 on the Company's website, www.woodhead.co.za;

9.1.2 at the office of the Company for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The IO of the Company will on a regular basis update this manual.